

BOIES, SCHILLER & FLEXNER LLP
RICHARD J. POCKER (NV Bar No. 3568)
300 South Fourth Street, Suite 800
Las Vegas, NV 89101
Telephone: (702) 382-7300
Facsimile: (702) 382-2755
rpocker@bsflp.com

BOIES, SCHILLER & FLEXNER LLP
STEVEN C. HOLTZMAN (*pro hac vice*)
KIERAN P. RINGGENBERG (*pro hac vice*)
1999 Harrison Street, Suite 900
Oakland, CA 94612
Telephone: (510) 874-1000
Facsimile: (510) 874-1460
sholtzman@bsflp.com
kringgenberg@bsflp.com

Attorneys for Plaintiffs Oracle USA, Inc.,
Oracle America, Inc. and Oracle International
Corp.

BINGHAM MCCUTCHEN LLP
GEOFFREY M. HOWARD (*pro hac vice*)
THOMAS S. HIXSON (*pro hac vice*)
KRISTEN A. PALUMBO (*pro hac vice*)
Three Embarcadero Center
San Francisco, CA 94111-4067
Telephone: 415.393.2000
Facsimile: 415.393.2286
geoff.howard@bingham.com
thomas.hixson@bingham.com
kristen.palumbo@bingham.com

DORIAN DALEY (*pro hac vice*)
DEBORAH K. MILLER (*pro hac vice*)
JAMES C. MAROULIS (*pro hac vice*)
ORACLE CORPORATION
500 Oracle Parkway, M/S 5op7
Redwood City, CA 94070
Telephone: 650.506.4846
Facsimile: 650.506.7114
dorian.daley@oracle.com
deborah.miller@oracle.com
jim.maroulis@oracle.com

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,
Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,
Defendants.

Case No 2:10-cv-0106-LRH-PAL

**[PROPOSED] ORDER REGARDING
CASE MANAGEMENT
CONFERENCE**

[PROPOSED] ORDER

Before this Court is the parties' joint request for a case management conference (Dkt. #488), filed September 17, 2014. The parties were required to file their joint pretrial order by October 14, 2014¹ and sought the court's guidance regarding the scope of trial and certain discovery disputes. The Court has considered the parties' papers and the arguments of counsel at a hearing conducted on October 9, 2014.

Oracle filed its initial complaint in January 2010 alleging, among other things, that Rimini's support services infringed Oracle's PeopleSoft, J.D. Edwards, and Siebel copyrighted software (Dkt. #1). Discovery began in April of that year. Oracle filed its second amended complaint in April 2011 alleging that Rimini also infringed Oracle's copyrighted Database software (Dkt. #146). Fact discovery closed in December 2011 and expert discovery closed June 15, 2012.

In 2012, Oracle filed two summary judgment motions based on its copyright infringement claims. In February and August 2014, the Court granted in part those motions, (1) finding that Rimini had infringed Oracle's PeopleSoft and Database product lines, and that Oracle had proved its prima facie infringement case as to the Siebel and JD Edwards product lines, (2) finding against Rimini on several of its affirmative defenses, and (3) dismissing Rimini's remaining counterclaims.

Rimini claims that in response to the Court's February 13, 2014 Order, Rimini adopted a new non-infringing support model. Rimini seeks to admit evidence of its new process at trial. Oracle argues that it would need extensive discovery to test Rimini's assertion that Rimini's new support model is non-infringing. Oracle further contends that the time necessary for this discovery would unduly delay trial. Oracle thus argues that the parties' joint pretrial order and the trial should be limited to the support processes Rimini used up to February 13, 2014, and

¹ At the October 9, 2014 hearing regarding the parties' request for a case management conference, the Court extended the parties' deadline to file their joint pretrial order to October 28, 2014.

1 should exclude Rimini's claimed new support process.

2 This case has been pending for nearly five years and, under the Court's supervision, fact
3 and expert discovery has been completed. The parties require leave of Court to engage in any
4 further discovery other than the supplementation required by Rule 26(e). Moreover, Oracle has
5 offered to stipulate not to seek damages in this case for the period on or after the District Court's
6 February 13, 2014 order, and the Court will hold Oracle to that offer. Accordingly, the February
7 13, 2014 order is not a basis to reopen discovery, and the Court declines to do so. While the
8 District Court will decide the admissibility of Rimini's expert's opinion on the proposed method
9 of calculating damages, the full discovery on that theory has been conducted. Discovery will
10 remain closed, and the case will remain as it was put in at the close of discovery, not thereafter.

11 DATED: October 17, 2014

BOIES, SCHILLER & FLEXNER LLP

12 By: /S/ Kieran P. Ringgenberg

13 Kieran P. Ringgenberg (*pro hac vice*)
14 1999 Harrison Street, Suite 900
Oakland, CA 94612
Telephone: (510) 874-1000
Facsimile: (510) 874-1460
kringgenberg@bsfllp.com

16 *Attorneys for Plaintiffs*

17
18 APPROVED AS TO FORM:

19 DATED: October 17, 2014

SHOOK, HARDY & BACON LLP

20 By: /S/ Robert H. Reckers

21 Robert H. Reckers (*pro hac vice*)
22 600 Travis Street, Suite 1600
Houston, Texas 77002
Telephone: (713) 227-8008
Facsimile: (731) 227-9508
rreckers@shb.com

24 *Attorneys for Defendants*

1 IT IS SO ORDERED.

2 DATED:

3
4 By: _____
5 Peggy A. Leen
6 United States Magistrate Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION OF FILER

The signatories to this document are myself and Robert Reckers and I have obtained Mr. Reckers's concurrence to file this document on his behalf.

DATED: October 17, 2014

BOIES, SCHILLER & FLEXNER LLP

By: /S/ Kieran P. Ringgenberg

Kieran P. Ringgenberg (*pro hac vice*)

1999 Harrison Street, Suite 900

Oakland, CA 94612

Telephone: (510) 874-1000

Facsimile: (510) 874-1460

kringgenberg@bsfllp.com

Attorneys for Plaintiffs